

HEALTH FACILITY COMMITTEE MEETING

Cannon Health Building, Room 125

9:00 a.m., May 22, 1998

Members Present: Lou Ann B. Jorgensen; Kathleen Fitzgerald; Patrick Kronmiller, M.D.; Travis Jackman; Steven Bateman; Kathy Siskin; Helen Rollins; Michael Stransky.

Members Excused: Gayle Morawetz; Fae Beck; J. Stephen Anderson; Leora Medina.

Staff: David Eagar; Debra Wynkoop-Green; Wendee Pippy; Dave Shorten; Mark Martin; Teresa Scheidler; Donna Riley; Larry Naylor.

The meeting was called to order at 9:05 a.m.

1. Welcome

Dr. Jorgensen welcomed all in attendance.

2. March 27, 1998 Minutes

Mr. Stransky made a motion to accept the minutes of the March 27, 1998 meeting.

Ms. Jackman seconded the motion. The **MOTION PASSED** unanimously.

3. Licensure Actions/Sanctions

Mr. Eagar updated the Committee on the Licensure Actions/Sanctions that have been processed since the March meeting. Please see the attached table on sanction actions.

Mr. Eagar reported that the Bureau has given a cease and desist order to Hospice of Box Elder for the use of the term *Hospice* in their name. They do not meet the requirements for a Hospice and they will change their name. Once they decide on a new name, they will notify the Bureau of Licensing.

4. Assisted Living Subcommittee

Ms. Scheidler reported that the first draft of the rule was reviewed and not many changes were made. She also stated that the subcommittee will have a draft of the rules for the committee to review at the next meeting.

5. Assisted Living Construction Rule

Mr. Naylor reported that the subcommittee met yesterday, May 21, 1998. The subcommittee reviewed the entire rule and some modifications were made. A draft was provided to the Committee. The only change the subcommittee is still looking at is the rule regarding the elevators, which is being researched.

Mr. Stransky stated that the subcommittee is in consensus and recommended the rule be moved forward to the rule making process.

Ms. Wynkoop-Green asked the subcommittee if any of the revisions that have been made will cost more money? Ms. Siskin responded saying that the only change that will affect the cost would be the elevator revisions which could be a matter of \$30,000 and \$50,000 based on the size of the compartment of the elevator to accommodate the size of a stretcher.

Dr. Jorgensen asked if the Committee took a motion on this today and passed the rules, would they be "law" by July 1? Mr. Naylor responded saying that the rule making process would take it beyond July 1. Ms. Wynkoop-Green stated that if the rules are filed, it will give the architects something to look at.

Mr. Stransky made a motion to have the construction rule move forward to the next step. Ms. Siskin seconded the motion. Discussion followed: Mr. Stransky thanked the subcommittee and thanked Mr. Naylor for making it easy for the committee, by being organized and prepared. The **MOTION PASSED** unanimously.

6. Criminal Background Check Rule

Ms. Wynkoop-Green introduced Ms. Donna Riley, Criminal Background Technician to the Committee.

Ms. Riley stated that the subcommittee met and reviewed the rules. The subcommittee's general consensus was that the rules are to be the same as the Child Care rules with minor changes.

Ms. Riley stated that training sessions are planned for administrators on May 28 and June 25 to review the process of the BCI and MIS for those who will be renewing their licenses in July and August.

Ms. Fitzgerald asked if there will be classes throughout the year or if the facilities just send all the names of their employees on July 1st? Ms. Wynkoop-Green responded saying that at the time of the renewal of your license (in 1998) is when facilities will send in the waiver form giving the Bureau the ability to run their employees names through the criminal background system. Each employee that provides direct service to the patients, which will be determined by the facilities, will need to fill out the forms and send them in to the Bureau. Once the person is cleared, the form is returned to the facility and is placed in the employees personnel records. If there is a denial, then the facility will receive copies

of all the letters/request for comprehensive review. Starting July 1, all new hires are required to submit the original waiver form. At the next renewal (in 1999), the facilities will submit a list all of the employee's names.

Ms. Siskin asked what the turn around time is for the background screening.

Ms. Wynkoop-Green responded saying that it depends if there are any "hits" or not. If there aren't any "hits," it could be a four day turn around from the time the Bureau receives the renewal to the time it gets sent back out. However, if there is a "hit" then finger prints will have to be sent in to the Bureau to see if there is the match on the person. The facility will continue to employ the person until the time the Bureau determines that it is a match.

Joan Gallegos, Utah Health Care Association, said that it is a very well written document and thanked the Committee for their support. Ms. Gallegos stated she would like the Committee to consider that when BCI's are not done comprehensively for all health facilities across the board, the persons who have "hits" tend to gravitate to where BCI's are not done, i.e. the hospitals.

Ms. Gallegos asked to confirm that if there is a substantiated "hit," the facility has 24 hours to terminate the employee? Ms. Wynkoop-Green stated yes, but also the person could appeal within the 24 hours.

Mr. Stransky asked how do you determine who a covered individual is? Ms. Riley stated that the definition is in R432-35-3. Ms. Wynkoop-Green stated that it is currently left up to the facilities to determine what positions it applies to. Discussion followed.

Ms. Wynkoop-Green stated that the rule needs to move forward.

Ms. Wynkoop-Green informed the Committee that Ms. Fae Beck has resigned from the committee. She has been diagnosed with breast cancer. Dr. Jorgensen requested Ms. Wynkoop-Green draft a letter from the Committee stating she will be missed and thank her for the service she has given to the Committee.

Ms. Jackman motioned to move the rule move forward. Ms. Siskin seconded the motion. The **MOTION PASSED** unanimously.

7. Ambulatory Clinic Rules

Mr. Shorten stated that the subcommittee is to bring ideas and suggestions in a report to the Committee. The subcommittee has met once and will be meeting again on Wednesday, May 27 at 4:00 p.m.

Dr. Jorgensen officially requested Dr. Kronmiller to become the official chairperson for the subcommittee. Dr. Kronmiller accepted.

Mr. Bateman suggested asking Mark Meadows, RN with St. Mark's to join the committee. Ms. Wynkoop-Green also suggested having a consumer join their subcommittee. Ms. Jackman volunteered to join the subcommittee.

8. Rule Updates

Wendee Pippy introduced Bonnie Winter and then reported the following:

- * R432-3-9: Medicare/Medicaid Certification section to General Health Care Facility Rules became effective May 7, 1998.
- * R432-1-4: ID Badges for all direct care staff section to General Health Care Facility Rules became effective April 28, 1998.
- * R432-100: General Hospital Standards rule filed with the first possible effective date being June 16, 1998.
- * R432-150: Nursing Care Facility Rules changes were submitted to the attorney or review.
- * R432-35: Background Screening rule possible effective date is July 16, 1998.

9. Nursing Facility Staff Ratios

Ms. Wynkoop-Green stated that a discussion at the March meeting led to ratios for Nursing homes being studied by a subcommittee. Ms. Wynkoop-Green explained that the Bureau does not have the resources to set up and staff this committee until at least January of 1999.

Carol Bloswick, Long Term Ombudsman, stated she had requested to have the ratios studied and not requested a rule change. This study was approved by the committee in March and Ms. Bloswick feels waiting for ten months is disappointing and she would like to see something happen sooner. Ms. Wynkoop-Green responded stating that the Bureau of Licensing will not be able to add another task until January.

Ms. Fitzgerald made a motion to hold formulating a subcommittee until January, 1999. Mr. Stransky seconded the motion. The **MOTION PASSED** unanimously.

10. Application Revision

Mr. Eagar reviewed the changes to Requests for Agency Action/License Application form. Most of the changes are in section C, and include adding more choices for deemed status. Mr. Eagar also reported that the category for Residential Health Care was removed from the application and Assisted Living type I and type II were added. All existing residential facilities will be considered type I. Type "N" residential care facilities have been moved under Small Health Care facilities.

11. H.F.C. Members Recruitment

Wendee Pippy reported that Bob Campbell and Fae Beck resigned leaving two consumer positions vacant on the Committee.

Ms. Fitzgerald's position as a Health Facility Other than a Nursing Home or Hospital representative will expire this year and Ms. Jackman's position as a consumer representative will expire this year. The Bureau of Licensing is currently seeking to have Kathy Siskin reappointed as a Health Facility Other than a Nursing Home or Hospital representative on the Committee.

Ms. Pippy asked the committee to send in nomination forms for those whom they would like to see fill the vacant and expiring positions.

Dr. Jorgensen asked what the current rule is regarding terms. Ms. Pippy stated that each member may fill two terms. One term is four years.

12. Certificate of Appreciation

Mr. Martin reviewed the Residential and Assisted Living Certificates of Appreciation and requirements facilities need to meet to obtain a certificate. An Assisted Living Report Card, Residential Care Report Card, Certificate and letter were passed around for the board members to review.

- 13.** The next meeting is scheduled for July 31, 1998 at 9:00 a.m. in conference room 114 of the Cannon Health Building. Please call Bonnie Winter at (801) 538-9084 if you are unable to attend.

The meeting adjourned at 10:35 a.m.

Lou Ann B. Jorgensen, Chairperson

Debra Wynkoop-Green, Executive Secretary